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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,813	07/01/2001	David Bartholomew	4238P	2560

7590 07/01/2005

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EXAMINER

CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/897,813	Applicant(s) BARTHOLOMEW ET AL.	
	Examiner Shirley Chang	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/01</u> | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2 and 3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 2 and 3, more specifically, "providing only functions specifically required for communication between said set top box and said central office," as recited in lines 2-3, it is unclear as to exactly what constitutes functions that are specifically "required for communication between the set top box and central office."

As to claim 5, more specifically, the "modified power supply," as recited in line 2, it is unclear as to what constitutes a modified power supply. For purposes of the following art rejection, a "modified power supply" will be interpreted as any power supply that is chosen appropriate to an applied system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock (WO 99/52220).

As to claim 1, the claimed "base unit connected to an AC power line..." and claimed "extension unit connected to an AC power line..." is met by the base unit 101

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connected to A/C power line link 106 which "transmits and receives data over the link 106 to the extension unit 107" (page 7, lines 2-3). Although Bullock does not explicitly disclose a set top box, the examiner gives Official Notice that a set top box having a personal computer function like PCTV is notoriously well known in the art. Accordingly, it would have been clearly obvious to one of ordinary skill in the art to modify the Bullock reference such that the computer is replaced with PCTV having computer and set top box functions as to facilitate Internet access through common TV displays, since a PCTV is nevertheless regarded as a set top box despite added functions. Furthermore, although Bullock does not explicitly disclose a central office, there inherently exists a central office with the existence of telephone type service connections 105 since Bullock discloses a cable connection service (page 6, line 15).

As to claims 2 and 3, for the purpose of art rejection, the claimed base and extension unit that is "adapted to provide only functions specifically required..." are clearly met as discussed in claim 1, since each of the base and extension units facilitate communication from the network to the computer.

3. Claims 4, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock (WO 99/52220) in view of Bullock (WO 01/28241).

As to claim 4, although Bullock (WO 99) does not specifically disclose an 'extension unit embedded in a set top box,' Bullock (WO 01) discloses an 'extension unit 105 that is electrically connected to and installed within an otherwise standard set top box 106' (page 9, lines 2-3) (claimed embedded extension unit in said set top box).

Therefore, it would have been clearly obvious to one of ordinary skill in the art to modify

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the Bullock (WO 99) reference by embedding the extension unit 107 in the set top box 112, as to incorporate both the extension unit and set top box in one housing to make the product more appealing to the consumer in that more functions are available within the set top box itself. Furthermore, although the Bullock (WO 01) reference discloses an extension unit 105 controller 304 (page 10, line 3), the examiner gives Official Notice that it is notoriously well known in the art to integrate controllers of the set top box and embedded extension unit into one control system, more specifically allowing the set top to control the extension unit, as to allow control centralization and simplicity in circuitry. Therefore, it would have been clearly obvious to one of ordinary skill in the art to further modify the Bullock (WO 99) reference to allow the set top box to control the embedded extension unit.

As to claims 5 and 6, as discussed above, a "modified power supply" is broadly interpreted as any power supply that is modified in one way or another in order to suit the functions of a particular system. A computer inherently has and requires a power supply, transmitter, and receiver tailored to a specific system. Similarly, a set top box also inherently has and requires a tailored power supply (claimed modified power supply for set top box), transmitter, and receiver to meet the terms of the system, wherein the transmitter and receiver are effectively coupled to the power supply. As clearly shown in Figure 1, the two-way arrows denote the transmitting and receiving of data to and from the computer (claimed transmitter and receiver in the set top box). Furthermore, the term "coupled" is interpreted as an existing connection between at

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least two elements. Therefore, it is not necessary for elements to be directly connected to one another to be considered "coupled."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


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